

In the United States Court of Federal Claims

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THE STATE OF TEXAS, by and	*
through The Texas Workforce	*
Commission, Business Enterprises	*
of Texas; and ROLAND MARSHALL,	*
a licensed blind vendor,	*
 Protestors,	*
 v.	*
 UNITED STATES,	No. 17-266C
 Defendant,	Filed: March 7, 2017
 v.	*
 FOOD SERVICES, INC. OF	*
GAINESVILLE	*
 Defendant-Intervenor.	*

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ORDER

On March 7, 2017, another bid protest hearing was held in the above captioned protest. Since the initial bid protest hearing occurred, the government has issued a stop work order regarding the contract issued to the intervenor, Food Services, Inc. of Gainesville. In addition, the Department of Education Arbitration Panel issued a decision in The State of Texas, by and through the Texas Workforce Commission, Business Enterprises of Texas and the United States Of America, by and through the United States Department of the Air Force on February 28, 2017, which decided that the Air Force had improperly excluded Protestor State of Texas from consideration, in violation of the Randolph Shephard Act. See 20 U.S.C. § 107, et seq. (2012). Although given earlier indications at the initial bid protest hearing by an agency representative that the Air Force would "generally" not comply with the dictates of the arbitration decision, comments which were subsequently disavowed by other government representatives, at the hearing today, the government indicated that a new selection process would be undertaken and that Protestor State of Texas would be included in the competitive range and that the new process would be undertaken with proper deference to the Department of Education arbitration decision and the dictates of the relevant statutes, regulations, Air Force Directives, and Air Force Instructions.

It is, therefore, appropriate at this time, as fully explored with the parties at the hearing today, to enter a permanent injunction, instructing the government not to proceed with the award on February 14, 2017 to the intervenor in the above captioned case.

Therefore, the above captioned protest is **DISMISSED, WITHOUT PREJUDICE**. In the event the protestors should feel the need to file a new protest with regard to Solicitation No. FA3016-15-R-0003 for mission essential full food service to be performed at "JBSA, FSH, and Camp Bullis," the clerk's office is directed to waive the filing fee. The clerk's office is directed to enter **JUDGMENT** consistent with this order.

IT IS SO ORDERED.

s/Marian Blank Horn
MARIAN BLANK HORN
Judge